

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 21, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA DUANE HARRY,

Defendant.

NO: 2:21-CR-123-RMP-1

PROTECTIVE ORDER

The United States of America applied to this Court for a protective order regarding the disclosure of discovery to defense counsel that contains sensitive information about third parties. ECF No. 23. The Government contends that the discovery that relates to this matter includes social security numbers, personal health information, and identifying information about minor witnesses. Accordingly, the Court finds good cause to issue a protective order regarding especially sensitive information of witnesses or victims in this matter.

Therefore, **IT IS HEREBY ORDERED:**

1. The United States' Unopposed Motion for Protective Order, **ECF No.**

1 **23**, and Unopposed Motion to Expedite, **ECF No. 24**, are **GRANTED**.

2 2. Pursuant to the discovery obligations previously imposed by the Court,
3 the United States is authorized to disclose discovery in its possession and any
4 Protected Information that it contains. As used herein, “Protected Information”
5 means sensitive personal and financial information of any third parties, including for
6 example, social security numbers, or health information of any victim(s), cooperating
7 witnesses, or minor witnesses.

8 3. Counsel for Defendant (hereinafter “Defense Counsel”) shall not share
9 or provide any discovery items produced by the United States in this case with
10 anyone other than designated Defense Counsel, defense investigators, retained expert
11 witnesses, and support staff. Defense Counsel may permit the Defendant to view
12 unredacted discovery items in the presence of Defense Counsel, defense
13 investigators, and support staff. Defense Counsel personally, or through Defense
14 Counsel’s investigators and support staff, may show unredacted discovery items to
15 witnesses in regard to items or events about which a witness may have personal
16 knowledge. Defense Counsel and his or her investigators and support staff shall not
17 allow the Defendant or witnesses to copy Protected Information contained in the
18 discovery. Defense counsel may petition the Court for relief from these prohibitions
19 with a showing of compelling reasons.

20 4. The discovery and information therein may be used only in connection
21 with the litigation of this case and for no other purpose. At the conclusion of the

1 case, Defense Counsel will return the discovery to the United States, will certify that
2 it has been shredded, or, if the materials are still needed, will store it in a secure place
3 and not disclose it to third parties. If the assigned Defense Counsel is relieved or
4 substituted from the case, Defense Counsel will return the discovery to the United
5 States or certify that it has been shredded.

6 5. Defense Counsel shall store the discovery in a secure place and will use
7 reasonable care to ensure that it is not disclosed to third persons contrary to this
8 Protective Order.

9 6. Defense Counsel shall be responsible for advising the Defendant,
10 witnesses, and all members of the defense team of the contents of this Protective
11 Order.

12 7. This Protective Order shall also apply to any new defense counsel that
13 may later become counsel of record in this case.

14 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this Order
15 and provide copies to counsel.

16 **DATED** September 21, 2021.

17
18 s/ Rosanna Malouf Peterson
19 ROSANNA MALOUF PETERSON
20 United States District Judge
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